

IN THE MATTER OF THE LEVESON INQUIRY

WITNESS STATEMENT OF GREG DYKE, CHAIRMAN OF THE BRITISH FILM INSTITUTE

1. I make this witness statement in reply to the Notice of request issued under section 21(2) of the Inquiries Act 2005 ("the Notice") on behalf of Lord Leveson, by letter of 12 August 2011 from the Solicitor to Lord Leveson's inquiry into the culture, practices and ethics of the Press ("the Inquiry").
2. Where appropriate I may refer to Mark Thompson's witness statement for relevant information.

**(Q1) Who you are and a brief summary of your career history**

3. I am Greg Dyke and I am currently chairman of the British Film Institute. I joined the BBC in 1999 as Director-General Designate becoming Director-General in January 2000. Prior to that, I had had an extensive career in both journalism and television. I left the BBC in January 2004 following the publication of the Hutton Report.

**(Q2) How the system of corporate governance was supposed to work at the BBC during your tenure with particular emphasis on systems to ensure lawful, professional and ethical conduct and by reference to any relevant documents**

**(Q3) How you understand the system of corporate governance to have worked in practice at the BBC during your tenure with particular emphasis on systems to ensure lawful, professional and ethical conduct.**

4. The BBC is established by Royal Charter and Agreement. The relevant Charter (the "1996 Charter") for my period of tenure came into force on 1 May 1996 for a ten year period. The relevant Agreement was between the BBC and the secretary of State for National Heritage dated 25 January 1996, and amended on 4 December 2003 ("the Agreement")

5. The 1996 Charter stated that the purpose of the BBC was to provide "public services, radio and television broadcasting services ... and to provide sound and television programmes of information, education and entertainment<sup>1</sup>".
6. The 1996 Charter also provided that the function of the BBC Governors was to exercise the powers and the duties of the BBC<sup>2</sup> and in particular to approve clear objectives and promises for the BBC's services to meet. The Governors also had the obligation to satisfy themselves that the BBC was complying with the Agreement. This required them not only to set the strategy for the BBC but also to ensure that they monitored and supervised the BBC's fulfilment of its legal and contractual obligations by BBC management (including ensuring that the BBC complied with any code applicable to programme content and standards).
7. Under the terms of the Agreement the BBC had the obligation to maintain high general standards in relation to content, quality and editorial integrity<sup>3</sup>. How these programme standards were to be set was also addressed in the Agreement. The BBC had obligations to draw up a programme code (including a code dealing with due accuracy and impartiality) and also to do all it could to secure that the provisions of the code were observed<sup>4</sup>.
8. The BBC also had an obligation to comply with the Broadcasting Standards Commission ("BSC") codes in relation to privacy and fairness and then, to comply with its successor, Ofcom, in relation to relevant provisions in relation to its standards code and fairness code
9. The Producers' Guidelines were drafted to take into account not only the Charter obligations but also to comply with the BSC or Ofcom code insofar as they applied to the BBC. In 2000, shortly after I become Director General, the BBC published the fourth edition of the Producers' Guidelines which I shall refer to as the 2000 Guidelines.
10. In relation to fairness, the principle adopted by the 2000 Guidelines was that programmes should be based on fairness, openness and straight dealing reflecting concern for the interests of the programme, the interests of the people who appear in it and the interest of the audience. Unless there were special and legitimate

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<sup>1</sup> 1996 Charter, Article 3

<sup>2</sup> 1996 Charter, Article 7

<sup>3</sup> Agreement, Clause 3

considerations of confidentiality, programme makers should be open about their plans and honest with anyone taking part in a programme.

11. In relation to privacy, the 2000 Guidelines provided that the BBC should respect the privacy of individuals, recognising that any intrusions had to be justified by serving a greater good. The right to privacy was qualified by the public interest, the behaviour of targets and the location in which filming takes place. The 2000 Guidelines emphasised that the information broadcast should be important as well as true where an infringement of privacy was involved. They also emphasised that door-stepping should be a last resort. There was also a section on surreptitious recording making it plain that the use of hidden cameras and microphones was governed by the principles set out in relation to privacy: the BBC should respect people's right to privacy, treat them fairly yet investigate and establish matters which it was in the public interest to know. The section also set out the approvals required for surreptitious recording.
12. In relation to accuracy the 2000 Guidelines emphasised the need to research programmes thoroughly and to check and cross check facts and to seek advice to ensure this.
13. The 2000 Guidelines also dealt with the BBC's relations with the public and the press and, in particular, complaints. They required that complaints received a well-judged and prompt reply and that viewers and listeners had a right to expect programmes to be made in accordance with the Producers' Guidelines.
14. Viewers and listeners with serious complaints about what was broadcast by the BBC were also able to make a formal complaint through the Programme Complaints Unit (PCU). In addition, the Governors' Programme Complaints Committee considered appeals from viewers and listeners who complained about a programme and where they were dissatisfied with the response from the Head of Programme Complaints or relevant programme making areas.
15. The BBC Governors not only approved the Guidelines but also received compliance reports from BBC Information (including complaints to PCU and to department heads) and conducted reviews of editorial policy. The BBC's Board of Governors published bulletins outlining complaints that had been upheld

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<sup>4</sup> Agreement, Clause 5

- (Q4) Whether these practices changed and if so what the reasons for the change were.
16. The practices changed after I left the BBC insofar as the BBC Trust replaced the BBC Governors and a new Charter and Agreement were put in place and new Guidelines introduced.
- (Q5) Where the responsibility for checking sources of information (including the method by which the information was obtained) lies: from reporter to news editor/showbiz editor/royal editor, and how this was done in practice.
- (Q6) To what extent Board members were aware, and should have been aware, of the sources of the information which make up the central stories featured each day (including the method by which the information was obtained).
17. The responsibility for compliance with the Guidelines and so also for checking sources of information lay within the BBC's management – from programme maker through to the head of the relevant directorate (now division) and then to the Director-General as Editor-in-Chief. Programme makers were aware of their obligations to comply with editorial guidelines and seek guidance where appropriate, whether from their own line manager, from the Editorial Policy team or from the Programme Legal Advice team. Accordingly referrals would be passed further up the chain with most serious issues being considered by the director of the relevant output area and me as Director-General. The introductory chapter of the 2000 Guidelines sets out this system of referral and consultation.
- (Q7) The extent to which you consider ethics can and should play a role in the broadcast media and what you consider "ethics" to mean in this context.
18. I consider that ethics have an important role to play in broadcast media. For the BBC when I was Director General, the relevant ethical editorial values were embodied in the Agreement and the 2000 Guidelines.
- (Q8) The extent to which you as Director-General felt any financial and/or commercial pressure from others, and if so from whom, and whether any

such pressure affected any of the decisions you made as Director-General (such evidence to be limited to matters covered by the Terms of Reference).

19. I did not feel under any such financial or commercial pressure.

(Q9) Whether, to the best of your knowledge, the BBC used paid or had any connection with private investigators in order to source stories or information and/or paid or received payments in kind for such information from the police, public officials, mobile phone companies or others with access to the same: if so, please provide details of the numbers of occasions on which such investigators or other external providers of information were used and of the amounts paid to them (NB: You are not required to identify individuals, either within the BBC or otherwise).

(Q10) If such investigators or other external providers of information were used, what policy/protocol, if any, was used to facilitate the use of such investigators or other external providers of information (for example, in relation to how they were identified, how they were chosen, how they were paid, their remit, how they were told to check sources, what methods they were told to or permitted to employ in order to obtain the information and so on).

(Q11) If there was such a policy/protocol, whether it was followed, and if not, what practice was followed in respect of all these matters?

(Q12) Whether there were any situations in which neither the existing protocol/policy nor the practice were followed and what precisely happened/failed to happen in those situations. What factors were in play in deciding to depart from the protocol or practice?

20. During my tenure, so far as I was aware, the BBC did not make payments to police, public officials or mobile phone companies, other than in the ordinary course of business, for example to cover disbursements when MPs would appear on programmes, for travel and the like, or to pay for staff mobile phones. Such payments were permitted by the 2000 Guidelines (see answers to (13) and (14) below). The BBC

on occasions used private investigators, for example for security when door-stepping a potentially violent target. I am also aware that investigators have been used to find out information and to go undercover as part of a programme's investigation into its subject matter. These services would be remunerated as with any commercial service provided to the BBC.

21. I can recall for example one occasion where undercover operatives were used in order to provide information in a programme which resulted in the prosecution of a counterfeiting ring. The reason I particularly recall this occasion is that the operatives were subsequently involved in a criminal case (unrelated to the programme). The criminal trial of the counterfeiters and subsequent review by the BBC of what had taken place happened after I had left. To the best of my recollection there was no specific protocol in place in relation to the use of investigators prior to this incident, although the 2000 Guidelines would of course have applied.

**(Q13) The extent to which you were aware of protocols or policies operating at the BBC in relation to expenses or remuneration paid to other external sources of information (whether actually commissioned by the BBC or not). There is no need for you to cover 'official' sources, such as the Press Association.**

**(Q14) The practice of the BBC in relation to payment of expenses and/or remuneration paid to other external sources of information (whether actually commissioned by the BBC or not). There is no need to cover 'official' sources such as the Press Association.**

22. I do not believe that there were specific guidelines in relation to payment of sources, though the 2000 Guidelines did deal specifically with payments to criminals or former criminals (where there was a mandatory referral to the head of editorial policy), witnesses (in case of contempt issues) and MPs (where payment would not usually be made for contributions unless they were outside the normal course of duty but a disturbance fee might be). In addition of course there were the general expense guidelines covering the recovery of expenses by programme makers: these worked on the basis that expenses should be paid by the most senior BBC person present and approved by someone who did not attend the event and that in the case of business hospitality it should be discussed and approved in advance.

(Q15) In respect of editorial decisions the editor made to broadcast stories, what system of oversight, if any, there was

23. See paragraph 17 above

(Q16) Whether the BBC (to the best of your knowledge) ever used or commissioned anyone who used 'computer hacking' in order to source stories, or for any other reason.

24. I am not aware of the BBC using or commissioning the use of computer hacking to source stories. It is of course possible that computer hackers have been used to contribute to news or current affairs coverage about computer hacking.

(Q17) Whether the BBC conducted any inquiry into phone hacking or computer hacking or "blagging" or bribery or corruption and, if so, your role in the inquiry and the outcome.

25. The BBC did not conduct any such inquiry during my time as Director General.

(Q18) If you cannot answer these questions, or take the view that they could be more fully answered by someone else, you must nonetheless provide answers to the extent that you can, and to the extent that you cannot you must provide the inquiry as soon as possible with names of those who would be able to assist us further.

26. I confirm that the contents of this statement are true.

Signed



Greg Dyke

Date 11 / 10 / 11